

1 ENERGY AND ENVIRONMENT CABINET

2 Department for Natural Resources

3 Division of Technical and Administrative Support

4 (Amendment)

5 418 KAR 1:040. Grant applications.

6 RELATES TO: KRS 146.550-146.570, 382.800-382.860

7 STATUTORY AUTHORITY: KRS 146.560(2), 146.565

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 146.560(2) requires the board to  
9 promulgate administrative regulations necessary for the application for funds from agencies  
10 identified in KRS 146.570, review and approval of projects and grants, and acquisition of land.  
11 This administrative regulation establishes the procedures for review and approval of grants funded  
12 to state agencies, local governments, and state colleges and universities pursuant to KRS  
13 146.570(4)(a)-(f).

14 Section 1. Application. (1) A state agency, local government, [and] state college or  
15 university, or LTO seeking a grant pursuant to KRS 146.570(4)(f) shall submit to the board a  
16 completed grant application package.

17 (2) The application package shall include:

18 (a) A cover letter;

19 (b) The Kentucky Heritage Land Conservation Fund Board Grant Application Form, HL-  
20 1A;

21 (c) Location map;

1 (d) Site or project description;

2 (e) Preliminary Resource Management Plan, HL-1C, using the Preliminary Resource  
3 Management Plan Instructions, HL-1B;

4 (f) Copy of the portion of a 1:24,000 topographical map showing the approximate project  
5 boundaries; and

6 (g) Project costs worksheet.

7 (3) Money expended by an applicant in connection with a denied application for funds, a  
8 grant, or project under this section shall not be reimbursed to the applicant.

9 (4) An applicant shall not supply false or misleading information to the board and shall  
10 provide to the board verification that all information in the grant application is true and accurate.

11 (5) Grant applicants may submit joint applications. The preliminary RMP for a joint  
12 application shall specify which entity will perform each aspect of management. Each joint  
13 applicant shall remain responsible for all aspects of management.

14 Section 2. Review of Application. (1) After reviewing the report received from the Projects  
15 Review Committee pursuant to 418 KAR 1:020, Section 6(2)(a), each board member shall review  
16 the application package and evaluate it based on the following criteria:

17 (a) Whether the Fund contains [Fundeontains] adequate money to fund the proposed  
18 project;

19 (b) Whether the proposed project meets one (1) or more of the priorities for acquisition  
20 listed in KRS 146.560(2)(a) through (d);

21 (c) Whether the proposed acquisition is one (1) of the areas referred to in KRS 146.565;

22 (d) The completeness and accuracy of the application package;

23 (e) Whether the preliminary RMP furthers the purposes of KRS 146.550 through 146.570;

1 (f) The applicant's ability to complete the acquisition and manage the land consistent with  
2 the preliminary RMP;

3 (g) The significance of the natural and educational resources on the project site;

4 (h) The prevalence of this type of project and project site in public systems; and

5 (i) The threat of loss or degradation of the project site if not protected.

6 (2) The board:

7 (a) Shall approve or deny a grant application by the vote of a majority of those present at a  
8 meeting at which there is a quorum; and

9 (b) May:

10 1. Amend or attach conditions to the approval of a grant application; and

11 2. Conduct a series of votes to narrow a list of grant applications if the total cost of the  
12 applications exceeds the available funds.

13 (3) Consideration of a grant application may be carried over from meeting to meeting and  
14 the board may decline to approve a grant application at a given meeting.

15 (4) The board may, itself or through an agent, verify the accuracy of the information in a  
16 grant application and make further investigation of the merits of a proposed acquisition as the  
17 board deems appropriate.

18 (5) The board shall mail to the applicant, within fifteen (15) days of board action, written  
19 notice of the approval or denial of a grant application and, if denied, the reasons for denial.

20 Section 3. Agreements. Funds shall not be disbursed until the applicant has entered into a  
21 written memorandum of agreement with the board which requires the applicant to comply with:

22 (1) The requirements of KRS 146.550 through 146.570;

23 (2) 418 KAR Chapter 1;

1 (3) The application;

2 (4) A conservation easement which pertains to the project site; and

3 (5) The latest RMP approved by the board.

4 Section 4. Incorporation by Reference. (1)The following material is incorporated by  
5 reference:

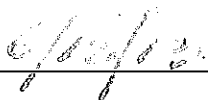
6 (a) "Kentucky Heritage Land Conservation Fund Board Grant Application Form", HL-1A,  
7 June 2013 [~~July 2012~~];

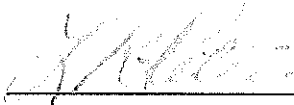
8 (b) "Preliminary Resource Management Plan Instructions", HL-1B, July 2012; and

9 (c) "Preliminary Resource Management Plan Template", HL-1C, July 2012.

10 (2) This material may be inspected, copied, or obtained, subject to applicable copyright  
11 law, at the office of the Kentucky Heritage Land Conservation Fund, 375 Versailles Road,  
12 Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

418 KAR 1:040 approved for filing.  
Pages (1-4)

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Leonard K. Peters, Secretary  
Energy and Environment Cabinet

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on July 25, 2013 at 10:00 A.M. (Eastern Time) at Conference Room D-16 of the Department for Natural Resources at #2 Hudson Hollow, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing July 18, 2013, five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until July 31, 2013. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

**CONTACT PERSON:** Michael Mullins, Regulation Coordinator  
#2 Hudson Hollow  
Frankfort, KY 40601  
Telephone: (502) 564-6940 Fax (502) 564-5698  
Email: Michael.Mullins@ky.gov

REGULATORY IMPACT ANALYSIS  
AND TIERING STATEMENT

Administrative Regulation No.: 418 KAR 1:040

Contact Person: Michael Mullins, Regulation Coordinator

**(1) Provide a brief summary of:**

**(a) What this administrative regulation does:** This administrative regulation establishes the procedures for review and approval of grants funded to state agencies, local governments, and state colleges and universities, or private, nonprofit land trust organization.

**(b) The necessity of this administrative regulation:** This administrative regulation is necessary to provide information to state agencies, local governments, and state colleges and universities on the application process.

**(c) How this administrative regulation conforms to the content of the authorizing statutes:** KRS 146.560(2) directs the Board to promulgate administrative regulations deemed necessary for application for funds from the agencies identified in KRS 146.570, review and approval of proposed projects, and review and approval of grants. This administrative regulation provides information necessary to apply for grant funds from the Heritage Land Conservation Fund.

**(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:** This administrative regulation assists in the administration of the statutes by providing the necessary information for applicants to follow when applying for grant funds from the Heritage Land Conservation Fund.

**(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:**

**(a) How the amendment will change this existing administrative regulation:** This amendment includes private, nonprofit land trust organization to the list of organizations that are required to submit applications for HLCF grant funds. This amendment also includes an updated HL-1A form.

**(b) The necessity of the amendment to this administrative regulation:** This amendment is necessary to require private, nonprofit land trust organizations to submit applications for HLCF grants. It is also necessary to amend HL-1A.

**(c) How the amendment conforms to the content of the authorizing statutes:** The amendment requires private, nonprofit land trust organizations to submit an application form to receive HLCF grants.

**(d) How the amendment will assist in the effective administration of the statutes:** This amendment will require private, nonprofit land trust organization to submit an application to received HLCHF grants.

**(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:** This administrative regulation will impact private, nonprofit land trust organizations that are interested in applying for grants from the Heritage Land Conservation Fund.

**(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:**

**(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:** This amendment requires private, nonprofit land trust organizations to submit an application to receive HLCHF grants.

**(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):** This amendment will not cost the regulated entity an additional amount to comply with this amendment.

**(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):** Private, nonprofit land trust organizations could receive grants from the HLCHF.

**(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:**

**(a) Initially:** This amendment will not cost the administrative body additional funds to implement.

**(b) On a continuing basis:** This amendment will not cost the administrative body additional funds to implement.

**(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:** This program is funded from the Heritage Land Conservation Fund.

**(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:** There will not be a need to increase fees or funding to administer the amendments to this administrative regulation.

**(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:** This administrative regulation will not increase nor does it establish any fees.



**(9) TIERING: Is tiering applied? (Explain why or why not)** No. All applicants for grant funding will be treated equally.

## **FISCAL NOTE ON STATE OR LOCAL GOVERNMENT**

Regulation Number: 418 KAR 1:040

Contact Person: Michael Mullins, Regulation Coordinator

Phone number: (502) 564-6940

**(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?** Division of Technical and Administrative Support, the Heritage Land Conservation Fund Board and those agencies listed in KRS 146.570(4).

**(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.** KRS 146.550 through 146.570.

**(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.**

**(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?** This amendment will not generate funds for use by the cabinet.

**(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?** This new administrative regulation will not generate funds for use by the cabinet on a continuing basis.

**(c) How much will it cost to administer this program for the first year?** There are no additional costs associated with this amendment.

**(d) How much will it cost to administer this program for subsequent years?** There are no additional costs associated with this amendment.

**Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.**

Revenues (+/-): NA

Expenditures (+/-): NA

Other Explanation: NA

DETAILED SUMMARY OF MATERIAL  
INCORPORATED BY REFERENCE  
418 KAR 1:040

This administrative regulation incorporates the following document:

**I. Kentucky Heritage Land Conservation Fund Board Grant Application Form, HL-1A, June 2013.** This administrative regulation requires entities interested in receiving grant funds from the HLCF. This application form is submitted pursuant to this administrative regulation and the authorizing statutes. It consists of 6 pages.